

SUKHEE KANG  
Mayor

LARRY AGRAN  
Mayor Pro Tempore

STEVEN CHOI  
Councilmember

BETH KROM  
Councilmember

CHRISTINA SHEA  
Councilmember



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**Speaker's Card/Request to Speak:** If you would like to address the City Council on a scheduled agenda item, please complete the [Request to Speak Form](#). The card is at the table at the entrance to the City Council Chamber. Please identify on the card your name, address, and the item on which you would like to speak and return to the City Clerk. The [Request to Speak Form](#) assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

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## CALL TO ORDER

### [ROLL CALL](#)

#### 1. [CLOSED SESSION](#)

##### **1.1 CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(a)(4 cases)):**

###### **CASE NAME AND NUMBER:**

- 1) Allergan, Inc. v. City of Irvine, et al. (Orange County Superior Court Case No. 06CC11295)
- 2) Allergan, Inc. v. City of Irvine, et al. (Orange County Superior Court Case No. 07CC01267)
- 3) Allergan, Inc. v. City of Irvine, et al. (Orange County Superior Court Case No. 07CC01268)
- 4) Allergan, Inc. v. City of Irvine, et al. (Orange County Superior Court Case No. 07CC01282)

- 1.2 CONFERENCE WITH LABOR NEGOTIATORS (Pursuant to Government Code Section 54957.6) Agency Negotiators: Rick Paikoff, Director of Administrative Services; Jan Walden, Manager of Human Resources; and Brian King, Human Resources Administrator. Employee Organization: Irvine Police Association (IPA).**

**RECONVENE TO THE CITY COUNCIL MEETING**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MUSICAL PRESENTATION**

**2. PRESENTATIONS**

- 2.1 RECOGNITION OF IRVINE PONY LEAGUE BASEBALL ALL STAR TEAMS**

**INTRODUCTIONS**

**CITY MANAGER'S REPORT**

**ANNOUNCEMENTS/COMMITTEE REPORTS/COUNCIL REPORTS**

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Announcements, Committee Reports and Council Comments are for the purpose of presenting brief comments or reports, are subject to California Government Code Section 54954.2 of the Brown Act and are limited to 15 minutes per meeting.

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**ADDITIONS AND DELETIONS**

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Additions to the agenda are limited by California Government Code Section 54954.2 of the Brown Act and for those items that arise after the posting of the Agenda and must be acted upon prior to the next City Council meeting.

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**3. CONSENT CALENDAR**

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All matters listed under Consent Calendar are considered to be routine and enacted by one roll call vote. There will be no discussion of these items unless members of the City Council request specific items to be removed from the Consent Calendar for separate discussion. Any member of the public may address the Council on items on the Consent Calendar. Public comments on any item or items on the consent calendar are limited to three minutes per speaker. If you wish to speak to a particular item or items, please complete a Speakers Form and give it to the City Clerk.

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- 3.1 MINUTES**

**ACTION:** Approve the minutes of a regular meeting of the Irvine City Council held on July 28, 2009.

**3.2 WARRANT AND WIRE TRANSFER RESOLUTION**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**3.3 WARRANT AND WIRE TRANSFER RESOLUTION - AT&T**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ALLOWING CERTAIN CLAIMS AND DEMANDS OF AT&T AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**3.4 WARRANT AND WIRE TRANSFER RESOLUTION - BANK OF AMERICA**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ALLOWING CERTAIN CLAIMS AND DEMANDS OF BANK OF AMERICA AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

**3.5 AGREEMENT WITH SECOND HARVEST FOOD BANK OF ORANGE COUNTY TO MANAGE THE INCREDIBLE EDIBLE PARK**

**ACTION:** Authorize the Mayor to execute a new five year agreement with Second Harvest Food Bank of Orange County for the management of the Incredible Edible Park.

**3.6 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND**

**ACTION:**

- 1) Accept a Supplemental Law Enforcement Services Fund award in the amount of \$300,000.
- 2) Approve proposed expenditures and budget adjustment request in the amount of \$300,000 for Fiscal Year 2009-10, increasing revenues and authorizing appropriation of the award funding.

**3.7 TARGET GRANT DONATION**

**ACTION:**

- 1) Accept a \$1,500 grant donation from Target.
- 2) Approve a budget adjustment request in the amount of \$1,500, reflecting an increase in revenues and appropriations.

**3.8 COLLECTION OF DELINQUENT SPECIAL TAXES AND ASSESSMENTS****ACTION:**

- 1) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACTING AS THE GOVERNING BODY OF COMMUNITY FACILITIES DISTRICT NO. 2005-2 (COLUMBUS GROVE) AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES IN SAID DISTRICT PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH
- 2) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACTING AS THE GOVERNING BODY OF THE ASSESSMENT DISTRICTS SET FORTH HEREIN AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL ASSESSMENTS IN SAID DISTRICTS PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915 AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH
- 3) Authorize and order the City Attorney to prosecute the foreclosure actions and to collect, in the name of the City and on behalf of the owners of the Bonds, all amounts due on account of the delinquent special taxes and special assessments with respect to the property identified in the submitted resolutions.
- 4) Authorize and order City personnel, in conjunction with the City Attorney and other City consultants, pursuant to Government Code Section 53356.2(a) and Section 8833(a)(1) to record notices of intent to remove the delinquent special taxes and special assessments from the tax rolls, and Section 53356.2(b) and Section 8833(a)(1)(A) to request that the applicable County officials remove current and future delinquent special taxes and special assessments from the tax rolls.

**3.9 LEASE AGREEMENT - IRVINE COMMUNITY NURSERY SCHOOL, PRESCHOOL PROGRAM**

**ACTION:** Authorize the Mayor to execute a Lease Agreement between the City of Irvine and Irvine Community Nursery School.

**3.10 STATE GRANT FUNDING FOR USED OIL RECYCLING AND HOUSEHOLD HAZARDOUS WASTE EDUCATION PROGRAMS**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ACCEPTING FUNDS FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR ALL AVAILABLE USED OIL RECYCLING GRANTS AND HAZARDOUS WASTE GRANTS UNDER THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT

**3.11 FINAL TRACT MAP NOS. 17319 AND 17320, NOTICE OF REVIEW FOR RESIDENTIAL CONDOMINIUMS IN WOODBURY EAST**

**ACTION:** Receive and file.

**3.12 REQUEST FOR IN-KIND CITY SUPPORT OF THE HEALTH KICK 2009 FUNDRAISER EVENT ON SEPTEMBER 26, 2009**

**ACTION:** Approve in-kind City support to allow use of a public facility and use of the City name and logo on participant T-shirts for the Health Kick 2009 Fundraiser Event on September 26, 2009.

**END CONSENT CALENDAR**

**4. PUBLIC HEARINGS - 4:00 P.M.**

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Public Hearings are scheduled for a time certain of 4:00 p.m., unless noticed otherwise, or as soon thereafter as possible. Those wishing to address the City Council during the Public Hearing must complete a form and provide it to the City Clerk prior to the hearing.

Notice: Public Hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuation. Any matter not noted for continuance, will be posted separately.

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**4.1 REVISION OF DIVISION 5 OF TITLE 4 RELATING TO REGULATIONS GOVERNING ANIMALS AND AMENDING THE IRVINE MUNICIPAL CODE**

**ACTION:**

- 1) Open the public hearing.
- 2) Continue the public hearing to September 8, 2009 at 4:00 p.m.

**4.2 APPEAL OF THE PLANNING COMMISSION ACTION DENYING A CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS NETWORK LOCATED IN THE PUBLIC RIGHTS-OF-WAY AND/OR PUBLIC UTILITY EASEMENTS IN THE VILLAGE OF TURTLE ROCK (PLANNING AREA 21) - NEWPATH NETWORKS, LLC.**

**ACTION:**

- 1) Receive staff report.
- 2) Reopen the public hearing; receive public input.
- 3) Close the public hearing.

- 4) City Council comments and questions.
- 5) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE GRANTING AN APPEAL THEREBY OVERTURNING THE PLANNING COMMISSION'S DECISION TO DENY CONDITIONAL USE PERMIT 00456321-PCPU FOR THE INSTALLATION OF A WIRELESS TELECOMMUNICATIONS NETWORK WITH APPURTENANT AND ASSOCIATED MECHANICAL EQUIPMENT AT 23 LOCATIONS, AND THE PLACEMENT OF APPROXIMATELY 22,000-LINEAR FEET OF NEW FIBER-OPTIC CABLES, IN THE PUBLIC RIGHT-OF-WAY AND/OR NON-EXCLUSIVE PUBLIC UTILITY EASEMENTS IN THE VILLAGE OF TURTLE ROCK (PLANNING AREA 21); FILED BY NEWPATH NETWORKS, LLC.

**4.3 PREFERENTIAL PARKING DISTRICTS**

**ACTION:**

- 1) Receive staff report.
- 2) Reopen public hearing; receive public input.
- 3) Close public hearing.
- 4) City Council comments and questions.
- 5) Introduce for first reading, and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING A CHAPTER TO THE IRVINE MUNICIPAL CODE ESTABLISHING A POLICY FOR THE CREATION OF PREFERENTIAL PARKING DISTRICTS.

**4.4 CITY-INITIATED GENERAL PLAN AMENDMENT, ZONE CHANGE, DEVELOPMENT AGREEMENT AMENDMENT (including rate and method of apportionment), MASTER IMPLEMENTATION AGREEMENT AMENDMENT, AND TRI-PARTY AGREEMENT AMENDMENT FOR THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC, LOCATED IN PLANNING AREAS 30 AND 51**

**ACTION:**

- 1) Receive staff report.
- 2) Reopen the public hearing; receive public input.
- 3) Close the public hearing.
- 4) City Council comments and questions.
- 5) Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING CITY-INITIATED GENERAL PLAN AMENDMENT 00470036-PGA TO AMEND THE GENERAL PLAN LAND USE ELEMENT AND THE CIRCULATION ELEMENT FOR PLANNING AREAS 30 AND 51
- 6) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

IRVINE APPROVING CITY-INITIATED ZONE CHANGE 00470039-PZC TO MODIFY DEVELOPMENT STANDARDS IN SECTION 3-37-39 AND TEXT AND THE STATISTICAL ANALYSIS IN CHAPTERS 2-9, 9-30, AND 9-51 OF THE ZONING ORDINANCE FOR PLANNING AREAS 30 AND 51

- 7) Introduce for first reading and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING A CITY-INITIATED AMENDMENT TO ORANGE COUNTY GREAT PARK DEVELOPMENT AGREEMENT 00470035-PDA BETWEEN THE CITY OF IRVINE AND HERITAGE FIELDS EL TORO LLC; PERTAINING TO PROPERTY IN PLANNING AREAS 30 AND 51
- 8) Approve and authorize the Mayor to sign an Amended and Restated Master Implementation Agreement between the City of Irvine and Heritage Fields El Toro LLC.

**4.5 DEVELOPMENT AGREEMENT STATUS REPORT**

**ACTION:**

- 1) Receive staff report.
- 2) Reopen the public hearing; receive public input.
- 3) Close the public hearing.
- 4) City Council comments and questions.
- 5) City Council finds that the applicants have complied in good faith with the terms and conditions of Development Agreements.

**5. COUNCIL BUSINESS**

**5.1 RESOLUTION CONTAINING TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE ADOPTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE IRVINE POLICE ASSOCIATION (IPA) EFFECTIVE THE PAY PERIOD THAT INCLUDES JULY 1, 2009

**5.2 HERITAGE FIELDS DENSITY BONUS AGREEMENT**

**ACTION:** Adopt RESOLUTION NO. - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE APPROVING THE DENSITY BONUS AGREEMENT FOR HERITAGE FIELDS; FILED BY HERITAGE FIELDS, LLC.

**END COUNCIL BUSINESS**

**PUBLIC COMMENTS (Limited to 3 minutes per speaker)**

Public comments will be heard at approximately 6:30 p.m. or prior to adjournment, whichever occurs earlier.

**ADJOURNMENT**

**NOTICE TO THE PUBLIC**

**LIVE BROADCASTING**

City Council meetings are broadcasted live every 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 4:00 p.m. and are replayed on Sundays at 11:00 a.m., and Thursdays at 7:00 p.m. All broadcasts can be viewed on Cox Communications Local Access Channel 30. City Council meetings are also available via live webcast through the City's website at [www.cityofirvine.org](http://www.cityofirvine.org). For more information, please contact the City Clerk's office at (949)724-6205.

**ADJOURNMENT**

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon prior to 12:00 midnight and will continue all other items on which additional time is required until a future City Council meeting. All meetings are scheduled to terminate at 12:00 midnight.

**STAFF REPORTS**

As a general rule, staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials are on file with the City Clerk and are available for public inspection and copying once the agenda is publicly posted, (at least 72 hours prior to a regular City Council meeting). Staff reports can also be downloaded from the City's website at [http://www.ci.irvine.ca.us/council/agenda/agenda\\_archive.asp](http://www.ci.irvine.ca.us/council/agenda/agenda_archive.asp) beginning the Friday prior to the scheduled City Council meeting on Tuesday.

In addition, meetings can be viewed live at the time posted on the agenda and related staff reports can be opened and viewed simultaneously along with the streaming of the meeting. To view the meeting, go to [http://irvine.granicus.com/ViewPublisher.php?view\\_id=6](http://irvine.granicus.com/ViewPublisher.php?view_id=6).

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

**SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA**

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda after the posting of the agenda will be available for public review in the City Clerk's Office, One Civic Center Plaza, Irvine, California, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

If you have any questions regarding any item of business on the agenda for this meeting, or any of the staff reports or other documentation relating to any agenda item, please contact City Clerk staff at (949)724-6205.

**SUBMITTAL OF INFORMATION BY MEMBERS OF THE PUBLIC FOR DISSEMINATION OR PRESENTATION AT PUBLIC MEETINGS**

Media Types and Guidelines

1. Written Materials/handouts:

Any member of the public who desires to submit documentation in hard copy form may do so prior to the meeting or at the time he/she addresses the City Council. Please provide 15 copies of the

information to be submitted and file with the City Clerk at the time of arrival to the meeting. This information will be disseminated to the City Council at the time testimony is given.

2. Large Displays/Maps/Renderings:

Any member of the public who desires to display freestanding large displays or renderings in conjunction with their public testimony is asked to notify the City Clerk's Office at (949)724-6205 no later than 12:00 noon on the day of the scheduled meeting so that an easel can be made available, if necessary.

3. Electronic Documents/Audio-visuals:

Any member of the public who desires to display information electronically in conjunction with their public testimony is asked to submit the information to the Public Information Office (PIO) no later than 12:00 noon on the day of the scheduled meeting. To facilitate your request contact the PIO Office at (949)724-6248 or the City Clerk's Office at (949)724-6205.

Information must be provided on CD, DVD, or VHS; or, emailed by 12:00 noon on the day of the scheduled meeting to [pio@ci.irvine.ca.us](mailto:pio@ci.irvine.ca.us). Members of the public will be asked to provide their name, identify the meeting and the agenda item to be addressed, and a day time phone number.

The PIO office will notify the person submitting the information as soon as possible prior to the meeting if the information cannot be accessed or if the version provided is incompatible with the City's system. Every effort will be made by City staff to facilitate the presentation.

**PUBLIC COMMENT**

Any member of the public may address the City Council on items within the City Council's subject matter jurisdiction but which are not listed on this agenda during Public Comment; however, no action may be taken on matters that are not part of the posted agenda. If you would like to address the City Council during the Public Comment portion of the Agenda, please complete the Request to Speak Form. The card is at the table at the entrance to the City Council Chamber. Please complete the card with your name, \*address, and \*phone number (\*optional), and return to the City Clerk. The Request to Speak Form assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. Your name will be called at the time Public Comment is taken by the City Council. City policy is to limit public testimony to three minutes per speaker (unless extended by the Mayor) which includes the presentation of electronic or audio visual information.

**CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS**

It is the intention of the City of Irvine to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's Office at (949)724-6205.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II)

**CHALLENGING CITY DECISIONS**

The time limit within which to commence any lawsuit or legal challenge to any quasi-judicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judicative decision made by the City must be filed no later than the 90<sup>th</sup> day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

If a person wishes to challenge the nature of the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Irvine, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

**COMMUNICATION DEVICES**

To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

**MEETING SCHEDULE**

Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 4:00 p.m. Study Sessions and/or Closed Sessions are periodically held prior to the start of the regular meeting. Agendas are available as follows:

- Police Department
- Local library
- FAX Library System (Dial (949) 724-6210 and request document number 100 anytime after 5:00 p.m. on the Friday prior to a City Council meeting)
- City's web page at [www.ci.irvine.ca.us](http://www.ci.irvine.ca.us)

I hereby certify that the agenda for the Special City Council meeting was posted in the posting book located in the Public Safety Lobby of City Hall, One Civic Center Plaza, Irvine, California on \_\_\_\_\_ by \_\_\_\_\_ p.m. as well as on the City's web page.

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Sharie Apodaca, MMC  
City Clerk